

26.07.2024
Item no.12.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1758 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Duttapukur Police Station Case No. 135 of 2021 dated 03.03.2021 under Sections 302/34 of the Indian Penal Code.

And

In the matter of : Surojit Das.

.....Petitioner.

Mr. Ashok Kumar Chowdhury,
.....for the Petitioner.

Mr. Samarjit Sen,
Mr. Arindam Senfor the State.

Order dictated by Arijit Banerjee, J.

- 1) The petitioner is justifiably aggrieved as he is in custody for 3 years 5 months. He says that he has no connection with the alleged crime. Only 4 out of 22 witnesses have been examined so far. PW-2, who is the de facto complainant being the victim's mother, has specifically named other persons as the perpetrators of the alleged crime and has not named him. He prays for bail.
- 2) Learned advocate for the State, while opposing the prayer for bail, draws our attention to the material in the case diary.

- 3) We have considered the same. We have also considered the deposition of the witnesses examined so far. It does not appear that the petitioner was the prime assailant or that he had any major role to play in the alleged crime. In any event, the petitioner is in custody for an unduly long period of time. There is no possibility of the trial concluding at an early date.
- 4) On an overall view of the matter and keeping in mind a citizen's fundamental right to personal liberty and speedy trial under Article 21 of the Constitution, we are inclined to allow the petitioner's prayer for bail.
- 5) Accordingly, we direct that the petitioner namely, **Surojit Das** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned 3rd Additional District & Sessions Judge, Barasat, North 24-Parganas and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

- 6) In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court. The application for bail is, accordingly, allowed.
- 7) All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)